

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSHUA ALLAN JACKSON,

CASE NO. C21-474 RSM-BAT

Plaintiff,

ORDER OF DISMISSAL

V.

JACK WARNER, et al.,

Defendants.

On April 7, 2021, *pro se* Plaintiff Joshua Allan Jackson filed a Prisoner Civil Rights Complaint related to Defendants' response to his complaints of sexual harassment by another. Dkt. #1-1. Defendants filed an answer on July 1, 2021. Dkt. #30. On July 7, 2021, Plaintiff filed a Motion to Dismiss Civil Complaint by Plaintiff Joshua Allan Jackson. Dkt. #38. Defendants have responded and indicate that they have no objection to dismissal. Dkt. #40.

Federal Rule of Civil Procedure 41(a) governs the voluntary dismissal of an action in federal court. Rule 41(a)(2) provides that unless a plaintiff files a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment, or the parties stipulate to the dismissal of the action, “[a]n action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.” FED. R. CIV. P. 41(a)(2). A motion for voluntary dismissal pursuant to Rule 41(a)(2) should be granted unless a defendant can show that

1 it will suffer some plain legal prejudice as a result of the dismissal. *Smith v. Lenchess*, 263 F.3d
2 972, 975 (9th Cir. 2001); *Stevedoring Services of America v. Armilla Intern. B.V.*, 889 F.2d 919,
3 921 (9th Cir. 1989) (stating that the purpose of Rule 41(a)(2) is “to permit a plaintiff to dismiss
4 an action without prejudice so long as the defendant will not be prejudiced . . . or unfairly affected
5 by dismissal”). However, the decision to grant or deny a motion pursuant to Rule 41(a)(2) is
6 within the sound discretion of the trial court and may be reviewed only for abuse of that
7 discretion. *Sams v. Beech Aircraft Corp.*, 625 F.2d 273, 277 (9th Cir.1980).

8 While the parties did not stipulate to dismissal, there is agreement that dismissal is
9 appropriate. Accordingly, and having considered Plaintiff’s motion, Defendants’ response, and
10 the remainder of the record, the Court finds and ORDERS that the Motion to Dismiss Civil
11 Complaint by Plaintiff Joshua Allan Jackson (Dkt. #38) is GRANTED. This case is CLOSED.
12 The Clerk is directed to send copies of this Order to the parties and to Judge Tsuchida.

13 DATED this 13th day of July, 2021.

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17 RICARDO S. MARTINEZ
18 CHIEF UNITED STATES DISTRICT JUDGE
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